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REMARKS

Entry of the foregoing amendments to the application is requested on the grounds that the claims, as amended, patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. No new issues have been added which would require further consideration and/or search, nor has any new matter been added. The claims, as amended, are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Final Office Action of June 10, 2008 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 22-30 remain in the application. Reconsideration of the claims is respectfully requested.

Status of the claims: Claims 22-30 stand rejected under 35 U.S.C. § 112, second paragraph; and Claims 22-30 stand rejected under 35 U.S.C. § 103(a).

Claims 1 and 23-30 stand rejected under 35 U.S.C. § 112, second paragraph, because, according to the Examiner, there is insufficient antecedent basis for the recitation of "the motor vehicle" in claim 1. At the outset, Applicant submits that claim 1 was canceled in the Amendment dated March 20, 2008. Since the instant rejection also lists claims 23-30, which depend from independent claim 22, it is therefore assumed that the Examiner intended to reject claim 22; and not claim 1. The instant rejection will therefore be addressed with respect to claim 22 and those claims depending therefrom.

In response to the 35 U.S.C. § 112, second paragraph rejection, claim 22 has been amended to remove all recitations of "the motor vehicle", and to include the term "the mobile vehicle" in its place. Applicant therefore submits that the 35 U.S.C. § 112, second paragraph, rejection to claim 22 has been obviated in view of these changes, and withdrawal of the same is respectfully requested.

Claims 22-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kolls (U.S. Patent No. 6,615,186) in view of Muratani, et al. (U.S. Patent No.

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6,119,109). The Examiner asserts that Kolls teaches all of the elements of independent claim 22 including 1) a response system at the remote location ***providing at least one promotional service as a choice to a user in the mobile vehicle***, and 2) a timing unit associated with the communications unit, responsive to the response system, ***wherein the timing unit is configured to monitor a period of free use of the at least one promotional service by the user in the mobile vehicle***. The Examiner admits that Kolls fails to teach a period of free use but relies on Muratani to supply this deficiency. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kolls to include the period of free use taught by Muratani in order to provide billing service to a user.

In response thereto, Applicant respectfully submits that Kolls fails to teach a response system at the remote location, ***wherein the response system provides at least one promotional service as a choice to a user in the mobile vehicle***. Kolls discloses an in-vehicle device that communicates with various data processing resources for transacting e-commerce and e-business (see Abstract of Kolls). For example, an in-vehicle device 200 may wirelessly communication with various communication interface (COM) devices 100 (or response systems as allegedly referred to by the Examiner), which are located in a plurality of physical locations. (See column 5, line 60 through column 6, line 7). The COM devices 100 may be, e.g., interconnected with a garage door opener (column 7, lines 48-49), interconnected with a gas pump (column 7, lines 55-56), interconnected with a tollbooth (column 7, lines 66-67), interconnected with a traffic light pole (column 8, lines 14-15), interconnected with a parking gate (column 8, lines 28-29), and the like.

In an example, Kolls's COM device 100 is configured to cache data communicated to it via the Internet based on data from, e.g., the in-vehicle device 200. When the vehicle comes into wireless proximity with the COM device 100, the vehicle may be commanded to stop, and data may be wirelessly communicated between the devices 100, 200 (see column 6, lines 27-46). Such data may be, e.g., information related to the vehicle, such as make, model, feature set, diagnostic data, vehicle

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telemetry, vehicle metrics, and other data (see column 8, lines 47-52). The data may be used by, for example, auto parts stores to automatically evaluate, diagnose, identify parts, or recommend vehicle services. Also, access to the Internet allows either of the devices 100, 200 to query information related to warranty, service, parts, coupons, special offers, and other vehicle service or maintenance data. (See column 8, lines 53-65 of Kolls).

Applicant submits that Kolls does *not* disclose or even suggest that the COM devices 100 interconnected to the other devices in the various physical locations provide at least one *promotional service* to a user of the vehicle. In the examples of Kolls identified above, coupons and/or special offers may, in some instances, be considered promotional services. However, the alleged response systems of Kolls (i.e., the COM devices 100) do *not provide* the coupons and/or special offers to the user of the vehicle. Such services are instead queried *from the Internet*.

Further, Applicant submits that Kolls does *not* disclose or even suggest that the COM devices 100 provide at least one promotional service (or any service for that matter) *as a choice* to the user of the vehicle. To reiterate from above, Kolls teaches that when the in-vehicle device 200 is in wireless proximity with a COM device 100, the vehicle *automatically* stops and communicates information to and/or from the COM device 100. Kolls does *not* teach that the user of the vehicle may choose what information is communicated to the COM device 100 and/or what information is communicated from the COM device 100 to the in-vehicle device 200. As disclosed in Kolls, the information communicated between the devices 100, 200 may ultimately be used for tracking engine performance over time for different makes and models of vehicles, better serving customer needs, anticipating vehicle part requirements and service needs in an effort to sell customers parts or services that they may not know they need, or to enhance warranty programs or offerings by the manufacturer, parts suppliers, or stores. (See column 9, lines 19-25).

Yet further, Applicant submits that Kolls *fails* to teach a timing unit associated with the communications unit, responsive to the response system, wherein the timing

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unit is configured **to monitor** a period of free use of the at least one promotional service by the user of the vehicle. In addition to the fact that Kolls fails to disclose a period of free use (as admitted by the Examiner), the timing unit referenced in Kolls at column 25, lines 47-54 is a microcontroller having a date and time functionality that, for example, is responsive to various events. Kolls does **not** disclose that the microcontroller is configured to **monitor** a period of use of a service (such as a promotional service).

Additionally, Applicant submits that Kolls does **not** disclose means for charging the user a fee for use, **occurring after the period of free use expires**, of the service (such as a promotional service). The portion of Kolls cited by the Examiner (i.e., column 54, lines 61-64) refers to simply charging fees for a particular service (which has been known for many years). For example, in Kolls, a user may select and download music and/or video services using the in-vehicle device 200 and fees may be charged to the user for the downloading (see column 53, line 63 through column 54, line 67). Kolls does NOT teach that fees are charged for use **after a period of use expires** (let alone after a period of free use expires).

The Examiner relies on Muratani to supply the deficiency of Kolls; namely to establish a period of free use of a service. The Examiner cites column 19, lines 1-38 of Muratani, which states, in part, "[t]he following billing parameter and change point are described in a case of a billing process which is performed in accordance with a step function or a polygonal line shape function, for example, a step function billing in which **"charge free for one minute from beginning**, one dollar/minute for 60 minutes following the one minute and fifty cents/minute for the following period" (emphasis added).

Although Muratani teaches a period of free use, the reference **fails** to teach or even suggest that the period of free use is associated with a **promotional service**. In fact, Muratani does **not** teach or even suggest providing promotional services as a choice to a user of a vehicle, and as outlined above, such teachings are not in Kolls either.

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Muratani is directed to an information distribution system for distributing proprietary information and a billing system to be used in conjunction with the information distribution system (see column 1, lines 5-8). The information distribution system is configured to at least 1) realize a variety of billing methods, and 2) realize an appropriate and efficient billing process that correspond to the contents of the information distributed (see column 3, lines 22-30). The contents of the information may be, for example, **pay content data** such as multimedia information, new information, and book information (see column 9, line 66 through column 7, line 8). In some instances, a free charge is applied for the content in specific situations. For example, a video-on-demand system may have a pay structure such as \$5 per movie, however if only, e.g., 10% or less of the movie is watched, then there is no charge for the movie (see column 18, lines 35-39).

For the foregoing reasons, Applicant submits that Kolls **fails** to teach all of the elements of independent claim 22, and that Muratani **fails** to supply the numerous deficiencies of Kolls. In particular, neither of the references teaches or suggests a 1) response system at the remote location providing at least one promotional service as a choice to a user in the mobile vehicle, and 2) a timing unit associated with the communications unit, responsive to the response system, wherein the timing unit is configured to monitor a period of free use of the at least one promotional service by the user in the mobile vehicle. As such, it is submitted that Applicants' invention as defined in independent claim 22, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious by Kolls and Muratani, either alone or in combination, and patentably defines over the art of record.

In summary, claims 22-30 remain in the application. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims is now in a condition suitable for allowance. Should the Examiner believe otherwise, it is submitted that the claims as amended qualify for entry as placing the application in better form for appeal.

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Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

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